


IT IS SO ORDERED.

Dated: July 21, 2014
09:26:12 AM



Kay Woods

Kay Woods
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:)	CASE NO. 12-40366-KW
)	
BRADFORD J. MONTGOMERY)	JUDGE KAY WOODS
ANNETTE MONTGOMERY)	
)	CHAPTER 12
Debtors)	
)	<u>AGREED ORDER</u>

This matter is before the Court on the motion of the Chapter 12 Trustee for an order authorizing the sale of certain real property of this estate free and clear of all liens, encumbrances and other interests by public auction, in accordance with the Debtors' Chapter 12 Plan of Reorganization (the "Motion"), and the objection thereto filed by the Debtors. Based upon the representations and agreement of the Trustee and the Debtors, the modification of the Motion on the record in open Court at the July 17, 2014 hearing, and for good cause shown, the Court finds and it is

ORDERED, ADJUDGED AND DECREED that:

1. The Motion as modified on the record July 17, 2014, shall be and is hereby granted.
2. The Trustee shall sell the Debtors' property in the following order of priority until \$542,000.00 in auction sale proceeds are obtained, which is the estimated amount needed to fund the Debtors' Chapter 12 Plan:
 - a. First, mineral rights, royalties and non-essential farm equipment;
 - b. Second, real property located at 325 South 18th Street, Sebring, Mahoning County, Ohio, parcel ID number 210010155000;
 - c. Third, real property located at 433 State Route 14, Deerfield, Portage County, Ohio, parcel ID numbers 08-024-00-00-002-000 and 08-014-00-00-033-000, starting with the parcels of approximately seventy-two (72) acres of tillable land.
3. To the extent \$542,000.00 is insufficient to satisfy the amount needed to fully fund the Debtors' Chapter 12 Plan, the Trustee shall seek Court approval to sell additional assets of the Debtors and this estate at a later date.
4. The Trustee shall sell the Debtors' property by public auction, to the highest bidder, subject to the Trustee's approval, with said auction to be held on Monday, July 21, 2014 at 5:30 p.m. at 433 State Route 14, Deerfield, Ohio
5. The Debtors' property shall be sold free and clear of all liens, encumbrances and other interests with all liens, encumbrances and other interests transferring to the proceeds of sale, and with all proceeds of sale being distributed in the following order:
 - a. Delinquent and accrued real estate taxes to the date of closing.

- b. Ordinary and customary closing costs including title guarantee policy.
- c. All Chapter 12 administrative fees and expenses.
- d. Mortgages, liens and encumbrances.
- e. Creditors of this Chapter 12 bankruptcy estate to be paid pursuant to the Debtors' confirmed Chapter 12 Plan of Reorganization.

IT IS SO ORDERED.

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Submitted by:

/s/ Andrew W. Suhar
ANDREW W. SUHAR, ESQ. Reg. No. 0058419
Chapter 12 Trustee

/s/ T. Robert Bricker (per email approval)
T. ROBERT BRICKER, ESQ. Reg. No. 0072560
Attorney for Debtors